

REMARKS

Claims 1-12 are pending in the present application.

The present invention recited in independent claims 1, 9, 10, and 12 teach that transmission traffic flowing toward an ATM network is measured in a frame relay network and traffic is controlled using identifiers of FECN, BECN and DE defining a header of a frame relay which gradually executes commands based on the traffic restrictive level corresponding to condition of the transmission.

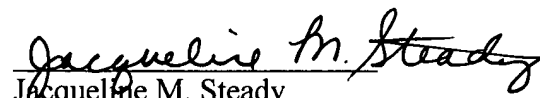
Bustini et al., however, disclose a method of traffic control based on rate control in an ATM switch. This method prevents cells transmitted to a destination ATM network or a destination ATM switch from exceeding a contract cell rate. This method is applied technology of a scheduler of a ATM switch, generally known.

As discussed in the response filed on May 24, 1999, the controlling of the contract cell rate of Bustini et al. is in a different electrical location than the traffic restrictive levels of the present invention. In addition, Bustini et al. fail to teach a frame relay network, thus, no combination of Bustini et al. and Osaki could operatively arrive at the presently claimed invention. Moreover, the benefit of the present invention is to allow data quantity to be controlled within a desired range in a channel. The "frame relay networks" in combination with the traffic restrictive level having a plurality of levels allows the present invention to control congestion, discard data, and transmit messages at a maximum transmission rate for each channel. As discussed above, Bustini et al. are physically incapable of achieving this benefit.

Accordingly, as the cited art either individually or in combination fails to teach or suggest the claimed invention, it is respectfully requested that the Examiner withdraw all rejections under 35 U.S.C. §103(a).

Any fee due with this paper, not fully covered by an enclosed check, may be
charged to Deposit Account 08-1634.

Respectfully submitted,


Jacqueline M. Steady
Reg. No. 44,354

HELFGOTT & KARAS, P.C.
EMPIRE STATE BUILDING
60TH FLOOR
NEW YORK, NEW YORK 10118
(212) 643-5000
DOCKET: FUJY 14.298
SH:JMS:1hda:FUJY14298-2